

## UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA

**FILED**

NOV - 6 2007

JERMAINE MONTIEL

Plaintiff(s),  
(Petitioner)

V.

OFFICER M. WILLIAMS, ET AL.

Defendant(s),  
(Respondent)RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
Case No. CV 07-05490-JF  
NORTHERN DISTRICT OF CALIFORNIAORDER RE APPLICATION  
TO PROCEED  
IN FORMA PAUPERIS

IT IS ORDERED that the application to proceed in forma pauperis is GRANTED and that the Clerk issue summons.

IT IS FURTHER ORDERED that the U.S. Marshal for the Northern District of California serve, without prepayment of fees, a copy of the complaint, any amendments, scheduling orders, attachments, plaintiff's affidavit and this order upon the defendant.

IT IS ORDERED that the application to proceed in forma pauperis is DENIED, and that the filing fee of \$350.00 be paid no later than \_\_\_\_\_. Failure to pay the filing fee by that date will result in dismissal of the above-entitled action without prejudice. The plaintiff is hereby apprised of his/her responsibility to serve the complaint and any amendments, scheduling orders, attachments, pursuant to Rule 4, Federal Rules of Civil Procedure. Plaintiff has a continuing obligation to keep the Court informed of his or her current address. Failure to do so may result in dismissal of this action.

IT IS ORDERED that the application to proceed in forma pauperis is DENIED and that plaintiff is further ordered to make partial payment of the filing fee in the amount of \$ \_\_\_\_\_ by \_\_\_\_\_. Failure to pay this amount will result in dismissal of the above-entitled action without prejudice. The plaintiff is hereby apprised of his/her responsibility to serve the complaint and any amendments, scheduling orders, attachments, pursuant to Rule 4, Federal Rules of Civil Procedure. Plaintiff has a continuing obligation to keep the Court informed of his or her current address. Failure to do so may result in dismissal of this action.

Dated: 11/6/07

UNITED STATES MAGISTRATE JUDGE

HOWARD R. LLOYD

(Not to be used in HABEAS CORPUS cases)